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**Procter & Gamble – I.P. Division****IMPORTANT CONFIDENTIALITY NOTICE**

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**FACSIMILE TRANSMITTAL SHEET AND  
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO: Linh T. Truong - United States Patent and Trademark Office**

Fax No. 703-872-9306

Phone No. 703-605-4974

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on June 8, 2004, to the above-identified facsimile number.

Linda R. Schroer (Signature)

**FROM: Linda R. Schroer** (Typed or printed name of person signing Certificate)

Fax No. 513-622-3300

Phone No. 513-622-2859

Listed below are the item(s) being submitted with this Certificate of Transmission:\*\*

- 1) Fee Transmittal: 1 pg/ 2 copies
- 2) Petition to Revive Unintentional Abandoned Application: 2 pgs/ 2 copy
- 3) Statement of Reason for Delay/Petition Transmittal: 1 pg/ 2 copies
- 4) Copy of March 1, 2004 Repsonse with Faxcover: 11 pgs/1 copy

5) New updated Reply After 1<sup>st</sup> Office Action: 10 pgs/ 1 copy

Number of Pages Including this Page: 29

Inventor(s): John Vincent Fontana et al.

S.N.: 10/054,113

Filed: 10/20/2001

Case: 8364M

Comments:

\*\*Note: Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
8364M

First Named Inventor: John Vincent Fontana et al.

Application No.: 10/054,113

Art Unit: 3761

Filed: 10/20/2001

Examiner: Linh T. Truong

Title: Application Devices

Attention: Office of Petitions  
Mail Stop Pctition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at  
(703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

[x] Large entity - fee \$1,330.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form

of Reply to Office Action dated 10/10/2003 with a request for a 2-month extension of time. The petition that was stated as being attached hereto was inadvertently left out of the package faxed on March 1, 2004. This was entirely unintentional. (identify type of reply):

- [ ] has been filed previously on \_\_\_\_\_
- [x] is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- [ ] has been paid previously on \_\_\_\_\_
- [ ] is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

11/15/2004 AKELLEY 00000007 162480 10054113

01 FC:1453 1330.00 DA

## 3. Terminal disclaimer with disclaimer fee


- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_ for a large entity disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

- 5.
- ☒
- Authorization is given to charge Deposit Account No. 16-2480 for any fees required in connection with submission of this petition. A duplicate copy of this correspondence is enclosed to facilitate charging of the fees

8 JUN 2004

Date

  
Signature

Telephone

Number: (513) 622-1825

Andrew A. Paul

Typed or printed name

CUSTOMER NO.: 27752

- Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☒ Additional sheets containing statements establishing unintentional delay  
☐ \_\_\_\_\_

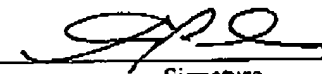
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

8 JUN 2004

Date

  
SignatureAndrew A. Paul

Typed or printed name of person signing certificate

Case 8364M  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
John Vincent Fontana et al. : Group Art Unit 3761  
Serial No.: 10/054,113 : Examiner Linh T. Truong  
Confirmation No. 6409 :  
Date Filed: :10/20/2001 :  
For Applicator Devices :  
: :  
:

STATEMENT OF REASON FOR DELAY/  
PETITION TRANSMITTAL

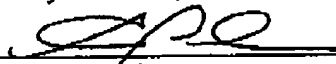
Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith is a Petition for Revival of an Application for Patent Abandoned. The above-identified application became abandoned for failure to include the petition for a 2-month extension of time that was stated in paragraph 1, page 1 under Introductory Remarks of the Reply After 1<sup>st</sup> Office Action Under 37 CFR §1.111(b), submitted via fax on March 1, 2004 (copy attached). The abandonment date of this application is 01/11/2004 (i.e., the day after the expiration date of the period set for response). A Notice of Abandonment was mailed on 05/27/2004. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Office is hereby authorized to charge payment of the \$1,330.00 petition fee to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.

Respectfully submitted,

By

  
Andrew A. Baul  
Agent for Applicants  
Registration No. 46,405  
(513) 622-1825

DATE: June 8, 2004

Customer Number 27752

Reason-PetitionTransmittal.doc



# **FEE TRANSMITTAL** **for FY 2004**

Patent fees are subject to annual revision.

## **Complete if Known**

|                      |                             |
|----------------------|-----------------------------|
| Application Number   | 10/054,113                  |
| Confirmation Number  | 6409                        |
| Filing Date          | 10/20/2001                  |
| First Named Inventor | John Vincent Fontana et al. |
| Examiner Name        | Linh T. Truong              |
| Art Unit             | 3761                        |
| Attorney Docket No.  | 8364M                       |

**TOTAL AMOUNT OF PAYMENT (\$1750.00)**

## **METHOD OF PAYMENT**

1. ☒ The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to:

Deposit Account Number: 16-2480

Deposit Account Name: The Procter & Gamble Company

## **FEE CALCULATION**

### **1. BASIC FILING FEE - Large Entity**

| Code (\$) | Fee Description        | Fee Paid                 |
|-----------|------------------------|--------------------------|
| 1001 770  | Utility filing fee     | <input type="checkbox"/> |
| 1002 340  | Design filing fee      | <input type="checkbox"/> |
| 1004 770  | Reissue filing fee     | <input type="checkbox"/> |
| 1005 160  | Provisional filing fee | <input type="checkbox"/> |

**SUBTOTAL (1) (\$0)**

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE - Large Entity**

|                    |                                   | Extra                      | Fee from                 | Fee                        |
|--------------------|-----------------------------------|----------------------------|--------------------------|----------------------------|
|                    |                                   | Claims                     | Below                    | Paid                       |
| Total Claims       | <input type="checkbox"/> - 20** - | <input type="checkbox"/> x | <input type="checkbox"/> | = <input type="checkbox"/> |
| Independent Claims | <input type="checkbox"/> - 3** -  | <input type="checkbox"/> x | <input type="checkbox"/> | = <input type="checkbox"/> |
| Multiple Dependent |                                   |                            | <input type="checkbox"/> | = <input type="checkbox"/> |

\*\* or number previously paid, if greater; For Reissues, see below

| Code (\$) | Fee Description   |
|-----------|---|
| 1202 18   | Claims in excess of 20                                  |
| 1201 86   | Independent claims in excess of 3                       |
| 1203 290  | Multiple dependent claim, if not paid                   |
| 1204 86   | **Reissue independent claims over original patent       |
| 1205 18   | **Reissue claims in excess of 20 & over original patent |

**SUBTOTAL (2) (\$0)**

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

| Code (\$)   | Fee Description   | Fee Paid                 |
|-------------|---|--------------------------|
| 1051 130    | Surcharge-late filing fee or oath   | <input type="checkbox"/> |
| 1052 50     | Surcharge-late provisional filing fee or cover sheet  | <input type="checkbox"/> |
| 1053 130    | Non-English specification   | <input type="checkbox"/> |
| 1812 2,520  | For filing a request for <i>ex parte</i> reexamination  | <input type="checkbox"/> |
| 1804 920*   | Requesting publication of SIR prior to Examiner's action  | <input type="checkbox"/> |
| 1805 1,840* | Requesting publication of SIR after Examiner's action   | <input type="checkbox"/> |
| 1251 110    | Extension for reply within 1 <sup>st</sup> month  | <input type="checkbox"/> |
| 1252 420    | Extension for reply within 2 <sup>nd</sup> month  | [420]                    |
| 1253 950    | Extension for reply within 3 <sup>rd</sup> month  | <input type="checkbox"/> |
| 1254 1,480  | Extension for reply within 4 <sup>th</sup> month  | <input type="checkbox"/> |
| 1255 2,010  | Extension for reply within 5 <sup>th</sup> month  | <input type="checkbox"/> |
| 1401 330    | Notice of Appeal  | <input type="checkbox"/> |
| 1402 330    | Filing a brief in support of an appeal  | <input type="checkbox"/> |
| 1403 290    | Request for oral hearing  | <input type="checkbox"/> |
| 1451 1,510  | Petition to institute a public use proceeding   | <input type="checkbox"/> |
| 1452 110    | Petition to revive - unavoidable  | <input type="checkbox"/> |
| 1453 1,330  | Petition to revive - unintentional  | [1,330]                  |
| 1501 1,330  | Utility issue fee (or reissue)  | <input type="checkbox"/> |
| 1502 480    | Design issue fee  | <input type="checkbox"/> |
| 1460 130    | Petitions to the Commissioner   | <input type="checkbox"/> |
| 1807 50     | Processing fee under 37 C.F.R. 1.17(q)  | <input type="checkbox"/> |
| 1806 180    | Submission of Information Disclosure Statement  | <input type="checkbox"/> |
| 1809 770    | Filing a submission after final rejection (37 CFR § 1.129(a))   | <input type="checkbox"/> |
| 1810 770    | For each additional invention to be examined (37 CFR § 1.129(b))  | <input type="checkbox"/> |
| 1801 770    | Request for Continued Examination (RCE)   | <input type="checkbox"/> |
| 1802 900    | Request for expedited examination of a design application   | <input type="checkbox"/> |
| 1454 1330   | Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c) | <input type="checkbox"/> |
|             | Other fee (specify) _____   | <input type="checkbox"/> |
|             | Other fee (specify) _____   | <input type="checkbox"/> |

\* Reduced by Basic Filing Fee Paid **SUBTOTAL(3) (\$1750.00)**

## **SUBMITTED BY**

|                   |                |                                   |        |           |                |
|-------------------|----------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Andrew A. Paul | Registration No. (Attorney/Agent) | 46,405 | Telephone | (513) 622-1825 |
| Signature         |                |                                   |        | Date      | June 8, 2004   |

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FeeTrans.doc (Revised for P&G use 7/22/2003)